

Joint Standing Committee on Natural Resources

LD 87

Resolve, to Create a Greenhouse Gas Registry

RESOLVE 3

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE MARTIN	OTP-AM	H-23

LD 87 proposed to direct the Department of Environmental Protection to adopt rules to create a voluntary registry of greenhouse gas emissions.

Committee Amendment "A" (H-23) proposed to clarify that the greenhouse gas registry created by the Department of Environmental Protection must provide for the collection of data on reductions in greenhouse gas emissions as well as on the origin of those emissions and on production activity to allow tracking of future emission trends.

This amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 3 directs the Board of Environmental Protection to adopt rules to create a voluntary registry of greenhouse gas emissions. The registry must provide for the collection of data on reductions in greenhouse gas emissions as well as on the origin of those emissions and on production activity to allow tracking of future emission trends.

LD 131

An Act to Extend and Amend the Requirement for Giving Prior Notice of Acquisitions of Solid Waste Businesses

PUBLIC 42
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP	

LD 131 proposed to amend the law requiring a person to give notice to the Office of the Attorney General at least 30 days before acquiring a solid waste or residue hauling business in the State. It proposed to make the notice requirement applicable only if the acquired business employed 5 or more employees. It also proposed to extend the repeal date of the requirement to 90 days after adjournment of the Second Regular Session of the 120th Legislature.

Enacted law summary

Public Law 2001, chapter 42 amends the law requiring a person to give notice to the Office of the Attorney General at least 30 days before acquiring a solid waste or residue hauling business in the State. It removes the 5-employee threshold for application of the notice requirement and extends the repeal date of the requirement to 90 days after adjournment of the Second Regular Session of the 120th Legislature.

Chapter 42 was enacted as an emergency measure effective April 10, 2001.

Joint Standing Committee on Natural Resources

LD 165

An Act to Repeal the Element of Maine's Growth Management Laws that Voids Municipal Land Use Ordinances

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN D MARTIN	ONTP	

LD 165 proposed to repeal the provision of law that voided certain municipal land use ordinances on January 1, 2003 if the ordinance was not consistent with a comprehensive plan. It required zoning ordinances to be consistent with a comprehensive plan adopted pursuant to the growth management laws.

LD 179

An Act to Protect Sensitive Geologic Areas from Oil Contamination

PUBLIC 302

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DOUGLASS	OTP-AM	H-224 H-448 COWGER

LD 179 proposed to minimize contamination of sensitive geologic areas by authorizing the Board of Environmental Protection to adopt rules governing the siting of underground oil storage tanks.

Committee Amendment "A" (H-224) proposed to replace the bill. The amendment proposed to prohibit the installation of new underground oil storage facilities within the source water protection area of a public drinking water supply or within 1000 feet of the public water supply, whichever is greater, and within 300 feet of a private water supply, except for a private water supply located on the same property as a facility and serving only that facility. The Commissioner of Environmental Protection is authorized to enjoin the operation of any facility installed in violation of those prohibitions. Clean-up costs and 3rd party damages caused by discharges from a facility installed in violation of those prohibitions are not eligible for reimbursement from the Ground Water Oil Clean-up Fund.

The amendment allows the Commissioner of Environmental Protection to grant a variance from those prohibitions. For community public water systems and groundwater resources serving schools and private wells, a variance is available only when no hydrogeological connection between the proposed facility and the potentially affected water supply can be demonstrated. For other types of public drinking water supply systems, a variance may be issued if the commissioner determines that the engineering and monitoring measures proposed by the applicant go beyond current minimum regulatory requirements and will effectively minimize releases of oil and the likelihood of groundwater contamination. An opportunity for public comment is required on each request for a variance. The Commissioner of Environmental Protection is required to submit a report to the Joint Standing Committee on Natural Resources on the department's experience in administering the statutory variance criteria and any recommendations on amending those criteria.

The amendment also requires the Board of Environmental Protection to adopt major substantive rules setting forth standards for siting new underground storage facilities used to store motor fuels or used in the marketing or distribution of oil within sand and gravel aquifers and their recharge areas that are mapped by the Maine Geological

Joint Standing Committee on Natural Resources

Survey. Those rules must be provisionally adopted and submitted to the Legislature for its consideration prior to March 3, 2002.

House Amendment "A" to Committee Amendment "A" (H-448) corrects a typographical error in Committee Amendment "A."

Enacted law summary

Public Law 2001, chapter 302 prohibits the installation of new underground oil storage facilities within the source water protection area of a public drinking water supply or within 1000 feet of the public water supply, whichever is greater, and within 300 feet of a private water supply, except for a private water supply located on the same property as a facility and serving only that facility. The Commissioner of Environmental Protection is authorized to enjoin the operation of any facility installed in violation of those prohibitions. Clean-up costs and 3rd party damages caused by discharges from a facility installed in violation of those prohibitions are not eligible for reimbursement from the Ground Water Oil Clean-up Fund.

This law allows the Commissioner of Environmental Protection to grant a variance from those prohibitions. For community public water systems and groundwater resources serving schools and private wells, a variance is available only when no hydrogeological connection between the proposed facility and the potentially affected water supply can be demonstrated. For other types of public drinking water supply systems, a variance may be issued if the commissioner determines that the engineering and monitoring measures proposed by the applicant go beyond current minimum regulatory requirements and will effectively minimize releases of oil and the likelihood of groundwater contamination. An opportunity for public comment is required on each request for a variance. The Commissioner of Environmental Protection is required to submit a report to the Joint Standing Committee on Natural Resources on the department's experience in administering the statutory variance criteria and any recommendations on amending those criteria.

The law also requires the Board of Environmental Protection to adopt major substantive rules setting forth standards for siting new underground storage facilities used to store motor fuels or used in the marketing or distribution of oil within sand and gravel aquifers and their recharge areas that are mapped by the Maine Geological Survey. Those rules must be provisionally adopted and submitted to the Legislature for its consideration prior to March 3, 2002.

LD 197

Resolve, to Implement the Saco Bay Regional Beach Management Plan

**DIED ON
ADJOURNMENT**

Sponsor(s)
KANE
PENDLETON

Committee Report
OTP-AM

Amendments Adopted
H-24

LD 197 proposed that the Department of Conservation obtain a detailed engineering analysis of certain recommendations to modify a coastal engineering structure located on the mouth of the Saco River in Camp Ellis, Saco, Maine.

Committee Amendment "A" (H-24) replaced the bill and proposed to direct the Department of Conservation to work with the United States Army Corps of Engineers to modify the federal coastal engineering structure at Camp

Joint Standing Committee on Natural Resources

Ellis, Saco, Maine. It further directs the department to develop a beach nourishment policy for the State and appropriates money to match funds from the National Oceanic and Atmospheric Administration for a 2-year fellowship to address beach nourishment and for the investigation of appropriate marine sources of sand for nourishment.

This amendment also adds a fiscal note to the resolve.

LD 230

Resolve, to Provide for the Transfer of Funds to the Tire Management Fund and Require a Plan to Permanently Dedicate Fees Paid When Purchasing a New Tire or Battery to Tire Stockpile Abatement, Remediation and Cleanup

RESOLVE 21

<u>Sponsor(s)</u> MCKENNEY SMALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-225
----------------------------------------	-----------------------------------	------------------------------------

LD 230 proposed to require that the revenues obtained from the recycling assistance fee imposed on the retail sale of new tires and new lead-acid batteries must be used to pay off any publicly approved bond issues that have the purpose of cleaning up tire stockpiles. In addition, this bill proposed to repeal the recycling assistance fee for new tires and new lead-acid batteries upon the complete payment of all bond issues pertaining to the cleanup of tire stockpiles.

Committee Amendment "A" (H-225) changes the bill to a resolve, changes the title of the bill and replaces the bill.

This amendment transfers \$570,000 in fiscal year 2001-02 from the Maine Solid Waste Management Fund to the Tire Management Fund. The amendment also transfers in the next fiscal year 50% of the surplus in the Maine Solid Waste Management Fund to the Tire Management Fund. Those transferred funds must be used for tire stockpile abatement, remediation and cleanup.

The amendment also directs the Commissioner of Environmental Protection and the Director of the State Planning Office to prepare an implementation plan, timetable and budget to accomplish the legislative goal of permanently dedicating those fees for tire pile abatement, remediation and cleanup while continuing to support the positions currently funded by those fees either through the General Fund or through some other revenue source. That plan must be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003. That committee is authorized to report out a bill to the First Regular Session of the 121st Legislature.

This amendment adds an allocation and a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 21 transfers \$570,000 in fiscal year 2001-02 from the Maine Solid Waste Management Fund to the Tire Management Fund and transfers in fiscal year 2002-03 50% of the surplus in the Maine Solid Waste Management Fund to the Tire Management Fund. Those transferred funds must be used for tire stockpile abatement, remediation and cleanup. The Resolve also directs the Commissioner of Environmental Protection and

Joint Standing Committee on Natural Resources

the Director of the State Planning Office to prepare an implementation plan, timetable and budget to accomplish the legislative goal of permanently dedicating those fees for tire pile abatement, remediation and cleanup while continuing to support the positions currently funded by those fees either through the General Fund or through some other revenue source. That plan must be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003. That committee is authorized to report out a bill to the First Regular Session of the 121st Legislature.

LD 239

An Act to Amend the Laws Concerning Wetlands Use

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ASH	ONTP	

LD 239, a concept draft pursuant to Joint Rule 208, proposed to amend the restrictions on use of land designated as "wetlands" in order to maximize the ability of property owners to use their land without significantly adversely affecting the environment.

LD 290

An Act to Amend the Mercury Discharge Law

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK SAWYER	ONTP	

LD 290 proposed to extend the interim mercury discharge limits established by the Department of Environmental Protection from October 1, 2001 to October 1, 2003 and adjusted other dates to be consistent with this extension, including the date when the Department of Environmental Protection was to submit its recommendations for a new statewide criteria for mercury.

LD 328

An Act to Lower the Sulfur Content of Gasoline Sold in the State

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J COWGER	ONTP	

LD 328 proposed to limit the sulfur level of gasoline sold in this State to 400 parts per million.

Joint Standing Committee on Natural Resources

LD 346

An Act to Provide Clarification on the Use of Impact Fees

PUBLIC 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN D NUTTING J	OTP	

LD 346 proposed to clarify that communities that are part of a school administrative district or other single or multicomunity school district may deposit the proceeds of school impact fees in a trust fund to be used to pay their proportionate share of anticipated school capital costs.

Enacted law summary

Public Law 2001, chapter 38 clarifies that communities that are part of a school administrative district or other single or multicomunity school district may deposit the proceeds of school impact fees in a trust fund to be used to pay their proportionate share of anticipated school capital costs.

LD 374

An Act to Protect Maine Jobs and Natural Resources

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	ONTP	

LD 374 proposed to amend the site location of development laws to place certain restrictions on companies developing a significant groundwater aquifer for the purpose of selling bottled water. The bill would have required that an employer who operated an existing public water system, primarily distributed bottled water, had employees in this State and developed a significant groundwater aquifer could not discriminate against its current employees when hiring for the newly developed facility. Under the proposed bill, the employer would have offered existing employees in good standing the opportunity to transfer to the same or a similar position, at the same or a similar wage, in the new facility.

LD 376

An Act Regulating the Transportation of Water

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	ONTP	

LD 376 proposed to strengthen safeguards for the health, safety and welfare of persons living in the vicinity of naturally occurring water resources who rely on that water source and to ensure that any water intended for drinking use would not be transported in a manner that threatens the health, safety or welfare of any person. This bill removed the exception from the prohibition on transportation of water that applied solely to water that was used to supply water for bottling and sale.

Joint Standing Committee on Natural Resources

LD 481

An Act to Promote Dam Safety

PUBLIC 460

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR MARTIN	OTP-AM	H-559 S-380 GOLDTHWAIT

LD 481 proposed to transfer the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management. The bill also proposed to change the use of the fund from making grants for dams that are breached to making low-interest loans to municipalities for engineering, legal and construction costs associated with acquiring title to, establishing long-term management plans for, repairs to and reconstruction of dams.

Committee Amendment "A" (H-559) proposed to replace the bill and to consolidate existing dam safety laws within the Department of Defense, Veterans and Emergency Management.

Senate Amendment "A" to Committee Amendment "A" (S-380) proposed to strike the appropriation section of Committee Amendment "A" that would have provided funding for 2 positions with the dam safety inspection program.

Enacted law summary

Public Law 2001, chapter 460 consolidates existing dam safety laws within the Department of Defense, Veterans and Emergency Management and moves the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management. The substantive changes made in the dam safety laws in this law include changing the definition of a dam to exclude low-head dams that do not pose a safety risk, codifying the definitions of high, low and significant hazard potential dams, setting forth a new schedule for inspections and hazard evaluation and authorizing the Department of Defense, Veterans and Emergency Management to issue an order to breach, remove or control a dam if the dam presents a potential risk to public safety.

The law also expands the use of money in the dam repair and reconstruction fund to include the breaching or removal of a dam. The law transfers all funds in the dam reconstruction and repair fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management and allocates funds from the Dam Repair and Reconstruction Fund within the Department of Defense, Veterans and Emergency Management to the Department of Inland Fisheries and Wildlife to fully fund the repair and reconstruction of 2 dams on Rocky Lake in Whiting.

Joint Standing Committee on Natural Resources

LD 504

An Act to Establish the State's Recycling and Waste Reduction Goals

PUBLIC 22

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT TOBIN D	OTP	

LD 504 proposed to establish a waste reduction goal to be met by January 1, 2003 and delay the date by which the State is to meet the 50% recycling goal, consistent with the directive of the Maine Revised Statutes, Title 38, section 2132, subsection 2.

Enacted law summary

Public Law 2001, chapter 22 establishes a waste reduction goal to be met by January 1, 2003 and delays the date by which the State is to meet the 50% recycling goal, consistent with the directive of the Maine Revised Statutes, Title 38, section 2132, subsection 2. It also corrects a reference to the State Planning Office.

LD 509

An Act to Regulate Waste Transfer Facilities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT BROMLEY	ONTP MAJ OTP-AM MIN	

LD 509, a concept draft pursuant to Joint Rule 208, proposed to require a solid waste facility that had a capacity in excess of the waste stream generated by the municipality where the facility was located to prove to the Commissioner of Environmental Protection that the facility met the substantial public benefit test required of new or expanded solid waste facilities.

Committee Amendment "A" (H-485), a minority report, replaced the concept draft and proposed to require a municipal solid waste transfer station that had not received final approval by the Department of Environmental Protection by March 1, 2001 to apply to the Commissioner of Environmental Protection for a public benefit determination. The amendment also added an appropriation section and a fiscal note to the bill.

Joint Standing Committee on Natural Resources

LD 516

An Act Exempting Prehistoric and Historic Archaeological Work from Permitting Requirements under the Natural Resource Protection Laws and the Shoreland Zoning Laws

PUBLIC 207

Sponsor(s)
SOCTOMAH

Committee Report
OTP-AM

Amendments Adopted
H-226

LD 516 proposed to add professional archaeological excavation to the list of shoreland activities that do not need a permit under the natural resources protection laws from the Department of Environmental Protection or the Maine Land Use Regulation Commission.

Committee Amendment "A" (H-226) proposed to exempt archaeological excavations from permits under the natural resource protection laws and to add a provision that also exempts those activities from shoreland zoning permitting requirements.

Enacted law summary

Public Law 2001, chapter 207 exempts archaeological excavations from permits under the natural resource protection laws and shoreland zoning permitting requirements. The law also directs the Maine Land Use Regulation Commission to adopt rules exempting archaeological excavations that are within its jurisdiction and adjacent to a great pond, freshwater wetland, coastal wetland, sand dune system, river, stream or brook from its permitting requirements.

LD 527

An Act to Amend Certain Laws Administered by the Department of Environmental Protection

PUBLIC 212

Sponsor(s)
COWGER

Committee Report
OTP

Amendments Adopted

LD 527 proposed to amend certain laws administered by the Department of Environmental Protection.

Enacted law summary

Public Law 2001, chapter 212 changes the date on which the Department of Environmental Protection must publish its annual fee schedule from August 1st to November 1st. The law also gives the Department of Environmental Protection authority to waive the penalty on late payment of the oil import fees that make up the Ground Water Oil Clean-up Fund, clarifies the requirements applicable to closure and remediation of municipal landfills, provides for the voluntary surrender of solid waste facility licenses, clarifies the permissible uses of the Maine Hazardous Waste Fund and makes certain administrative changes to Maine's toxics use reduction laws by changing the dates for fees from April and July to October 1st, beginning in 2002, and by creating a flat poundage amount of 2,640 pounds for identifying companies subject to the hazardous waste reporting portion of the law.

Joint Standing Committee on Natural Resources

LD 560

An Act to Establish the Maine Cave Protection Act

PUBLIC 113

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND	OTP-AM	H-227

LD 560 proposed to establish the Maine Cave Protection Act. It proposed to require a person to receive consent prior to excavating in a cave, to undertake investigations and explorations in a manner that will not impede the recovery of historic and scientific information, to limit the liability of cave owners and to classify the defacing or damaging of a cave as a Class E crime.

Committee Amendment "A" (H-227) proposed to clarify that recreational caving is a recreational or harvesting activity for the purposes of limited liability of landowners under the Maine Revised Statutes, Title 14, section 159-A. The amendment also proposed to change the penalty in the bill from a Class E crime to a civil violation and to allow a landowner to collect actual damages through a civil action from a person who intentionally damages or defaces a cave.

Enacted law summary

Public Law 2001, chapter 113 establishes the Maine Cave Protection Act. It requires that a person receive consent prior to excavating in a cave and to undertake investigations and explorations in a manner that will not impede the recovery of historic and scientific information. This law clarifies that recreational caving is a recreational or harvesting activity for the purposes of limited liability of landowners under the Maine Revised Statutes, Title 14, section 159-A. Violations of the Maine Cave Protection Act are established as civil violations with provisions that also allow landowner to collect actual damages through a civil action from a person who intentionally damages or defaces a cave.

LD 578

**Resolve, to Assist Municipalities in Developing and Using
Geographic Information Systems to Track Development and
Promote Smart Growth**

RESOLVE 23

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS GAGNON	OTP-AM	H-315

LD 578 proposed to add a \$15 surcharge to the cost of recording deeds subject to the real estate transfer tax. Of revenues generated, less 10% to cover counties' cost of administering the surcharge, 25% would have been used by the Office of Geographic Information Systems, in coordination with the State Planning Office, to develop, coordinate and maintain a regionally based, coordinated geographic information system. The remaining 65% of surcharge revenues would have been disbursed by each county to its designated regional service provider to enhance the ability of regional councils and municipalities to develop and use geographic information systems technology and related tools to track patterns of development.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (H-315) replaced the original bill with a resolve. The amendment proposed to direct the State Planning Office to convene a steering committee to study and design a system that could be utilized for a variety of planning purposes. The amendment required the steering committee to submit a report to the Joint Standing Committee on Natural Resources by January 15, 2002 and authorized the Joint Standing Committee on Natural Resources to introduce legislation to the Second Regular Session of the 120th Legislature. It also added a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 23 directs the State Planning Office to convene a steering committee to study and design a statewide geographic information system that can be utilized for a variety of planning purposes. It requires the steering committee to submit a report to the Joint Standing Committee on Natural Resources by January 15, 2002 and authorizes the Joint Standing Committee on Natural Resources to introduce legislation to the Second Regular Session of the 120th Legislature.

LD 584

An Act to Encourage Agricultural Development

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY MCKEE	ONTP	

LD 584 proposed to exempt agricultural projects smaller than 10 acres from the site location of development laws. The Board of Environmental Protection would have been directed to adopt routine technical rules to define what constitutes an agricultural project under the site location of development laws. In addition, the board would have been prohibited from adopting a definition of "agricultural project" without the prior approval of the Commissioner of Agriculture, Food and Rural Resources.

LD 589

An Act to Amend the Invasive Aquatic Plants Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	ONTP	

LD 589 proposed to make the following changes to the laws governing invasive aquatic plants to take effect immediately:

Establish authority and procedures for closure or relocation of state boat ramps and require the development of an integrated response plan

Amend the penalty provisions to remove the requirement to show intent, provide that only a warning may be issued prior to July 1, 2003 and change the forfeiture provisions to provide that a fine not to exceed \$1,500 could be adjudged for a violation occurring on or after July 1, 2003.

Joint Standing Committee on Natural Resources

Require the Land and Water Resources Council to report annually to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the status of aquatic invasive species prevention and control in the State.

The bill also proposed to appropriate funds to further administer the invasive aquatic plant laws.

LD 612 **An Act to Permit Excavations Within 25 Feet of Streams** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	ONTP	

LD 612 proposed to amend the performance standards for excavations and for quarries by allowing the Department of Environmental Protection to grant a variance from the width requirement of a buffer strip from a river, stream or brook, provided the buffer strip was no less than 25 feet.

LD 650 **An Act Creating a Fund to Assist Towns with Public Water Sources that have Eurasian Milfoil** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE BENNETT	ONTP	

LD 650 proposed to create a fund within the Department of Environmental Protection to assist municipalities in controlling invasive aquatic plants that threatened municipal surface drinking water supplies. Financial assistance to municipalities under this program was subject to availability of funding. The bill also required the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by January 15, 2002 with recommendations on sources of funding for this fund.

LD 671 **Resolve, to Direct the Bureau of Forestry to Provide Community Forestry Training to Towns** **RESOLVE 37**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON KOFFMAN	OTP-AM	S-136

LD 671 proposed to direct the State Planning Office within the Executive Office to offer community forestry training to towns and local planning boards. The resolve also directed the State Planning Office to develop a model ordinance to provide to towns that are interested in passing an ordinance for community forestry.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (S-136) proposed to direct the Bureau of Forestry to provide community forestry training to towns and to develop a model ordinance for community forestry. It also added a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 37 directs the Bureau of Forestry to provide community forestry training to towns and to develop a model ordinance for community forestry.

LD 704

An Act to Establish the Rivers and Streams Restoration Fund

ONTP

Sponsor(s)
BULL
TREAT

Committee Report
ONTP

Amendments Adopted

LD 704 proposed to require that all fines assessed for violations of the Maine Revised Statutes, Title 38 that involved the discharge of any pollutant into a river or stream of this State would be deposited in a new fund to be called the Rivers and Streams Restoration Fund. Money in the fund could be used by the Commissioner of Environmental Protection to fund project proposals for innovative pollution prevention, pollution reduction and river and stream restoration.

LD 787

An Act to Require the Filing of Soils Tests

ONTP

Sponsor(s)
GOLDTHWAIT

Committee Report
ONTP

Amendments Adopted

LD 787 proposed to require a licensed site evaluator to file a copy of any soil evaluation report prepared by the evaluator with both the Department of Human Services and the municipality where the evaluation was conducted.

LD 821

An Act to Promote the Recycling of Household Batteries

ONTP

Sponsor(s)
SULLIVAN
MARTIN

Committee Report
ONTP

Amendments Adopted

LD 821, a concept draft pursuant to Joint Rule 208, proposed to establish a statewide program to encourage the recycling of rechargeable household batteries.

Joint Standing Committee on Natural Resources

LD 824 **An Act to Provide Free Access to Any Great Pond Controlled by a Dam** **ONTP**

<u>Sponsor(s)</u> CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
----------------------------	--	---------------------------------	--	---------------------------

LD 824 proposed to grant the public a right-of-way on foot or by vehicle to any great pond in the State that was created by a dam authorized by State Government or Federal Government.

LD 828 **An Act to Encourage Proper Disposal of Propane Tanks** **ONTP**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
-----------------------------	--	---------------------------------	--	---------------------------

LD 828 proposed to provide funds to the Department of Environmental Protection to develop and implement a program of outreach and education that would encourage the proper collection and disposal of gas grill propane tanks.

LD 857 **An Act to Strengthen the Ground Water Oil Clean-up Fund** **PUBLIC 216**

<u>Sponsor(s)</u> DAIGLE MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-229
---------------------------------------	--	-----------------------------------	--	------------------------------------

LD 857 proposed to raise the amount of the Ground Water Oil Clean-up fund balance of which surcharge fees can be charged from \$3,000,000 to \$5,000,000 and to terminate the fees when the fund balance reaches \$7,000,000, rather than \$5,000,000.

Committee Amendment "A" (H-229) proposed several changes to the bill, including clarifying language regarding standard deductibles , removing exemptions from coverage under the Ground Water Oil Clean-up Fund for applicants having certain relationships with entities that own or operate an oil refinery and increases limits on surcharges.

Enacted law summary

Public Law 2001, chapter 216 raises the amount of the Ground Water Oil Clean-up fund balance of which surcharge fees can be charged from \$3,000,000 to \$5,000,000. The fees terminate when the fund balance reaches \$7,000,000, rather than \$5,000,000. The law also clarifies that the amount of the standard deductibles applicable under the Ground Water Oil Clean-up Fund are based on the number of underground storage facilities or the capacity of gallons owned by the aboveground oil storage facility owner at the time a discharge is discovered and

Joint Standing Committee on Natural Resources

removes an exemption from coverage under the Ground Water Oil Clean-up Fund for applicants having certain relationships with entities that own or operate an oil refinery as long as the discharge is discovered after September 30, 2001. The law also increases the limit on the surcharge that may be assessed on gasoline and other petroleum products from 10¢ to 20¢ per barrel for gasoline and from 5¢ to 10¢ per barrel for other petroleum products.

LD 886

An Act to Establish a Clean Government Initiative

PUBLIC 333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-194

LD 886 proposed to create a Clean Government Initiative to assist state agencies in meeting environmental compliance requirements and to assist those agencies in incorporating environmentally sustainable practices into all state government functions.

Committee Amendment "A" (S-194) proposed several technical changes to the bill.

Enacted law summary

Public Law 2001, chapter 333 creates the Clean Government Initiative to assist state agencies in meeting environmental compliance requirements and to assist those agencies in incorporating environmentally sustainable practices into all state government functions. The Clean Government Initiative is jointly directed by the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services. The Clean Government Initiative seeks to achieve continuous improvement in environmental performance of all state agencies through such measures as pollution prevention, improvements in energy efficiency, procurement of environmentally friendly commodities and services, recycling of waste products and enhanced fleet efficiency through the purchase of fuel-efficient vehicles and proper fleet maintenance.

The law requires the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services to establish a coordinated State Government environmental compliance policy that includes the incorporation of environmentally sustainable practices into state government, to establish goals for the economic and environmental performance of state agencies, to advise and assist state agencies in the development of environmental compliance audits and plans and in implementing those plans, to advise the Governor and the Legislature on the formulation of policies for the effective operation, management and achievement of the goals of the Clean Government Initiative and to ensure that the master plan of the Capitol Planning Commission is implemented in a manner consistent with those goals.

The law requires each state agency to determine its compliance with applicable state and federal environmental laws and to develop a biennial plan outlining the actions the agency will take to incorporate environmentally sustainable practices into its planning and operations.

The law also requires the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services to jointly report on the activities of all state agencies under the initiative to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over state government matters every 2 years, beginning on January 1, 2003. The law also clarifies that environmentally friendly procurement by state agencies under the Clean Government

Joint Standing Committee on Natural Resources

Initiative includes alternatives to products that may release dioxin or mercury to the environment. The amount and rate of environmentally friendly purchasing remains at the discretion of the state agencies. Only cost-effective alternatives that have comparable technical performance and availability would be considered.

LD 907 **An Act to Address Sludge-spreading Licenses** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	ONTP	

LD 907, a concept draft pursuant to Joint Rule 208, proposed to establish a renewal process for sludge-spreading licenses.

LD 919 **An Act to Provide for Variance Notification in the Shoreland Zoning Law** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-33 S-327 GOLDTHWAIT

LD 919 proposed that a request for a variance from a shoreland zoning ordinance must be forwarded to the Commissioner of Environmental Protection at least 20 days prior to action by the municipality and to provide for comment by the commissioner if the commissioner determines that the variance is in noncompliance with the requirements of state law for a zoning variance or undermines the purposes stated in the Maine Revised Statutes, Title 38, section 435.

Committee Amendment "A" (H-33) proposed to add a fiscal note to the bill.

Senate Amendment "A" (S-327) proposed to add a mandate preamble to the bill.

LD 1031 **An Act to Fund the Cleanup of Illegal Dumping Sites** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP LEMONT	ONTP	

LD 1031 proposed to create a fund in the Department of Environmental Protection to clean up unlicensed solid waste disposal sites considered "orphaned" by the Commissioner of Environmental Protection either because the party or parties responsible for the site did not have sufficient financial resources to properly abate, mitigate or clean up the site or because the responsible party or parties could not be determined. The Orphaned Solid Waste Disposal Site Clean-up Fund would have been funded by an increase of \$3 per ton in the municipal solid waste disposal surcharge fee.

Joint Standing Committee on Natural Resources

LD 1045 **An Act to Ban the Permitting or Expansion of Existing Sewage Outfalls into the Ocean** **ONTP**

<u>Sponsor(s)</u> MURPHY T		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
-------------------------------	--	---------------------------------	--	---------------------------

LD 1045 proposed to ban new or expanded sewage outfalls into the ocean by sanitary districts.

LD 1105 **An Act to Reduce the Cost of Disposal for Municipalities and Encourage the Recycling of Electronic Equipment** **ONTP**

<u>Sponsor(s)</u> HAWES		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
----------------------------	--	---------------------------------	--	---------------------------

LD 1105, a concept draft pursuant to Joint Rule 208, proposed to establish a program under which used or obsolete electronic equipment accompanied by the purchase receipt could be returned to the place of purchase for recycling in lieu of disposal of such items at municipal waste facilities.

LD 1155 **An Act to Protect Maine Lakes from Milfoil and Other Invasive Plants** **ONTP**

<u>Sponsor(s)</u> MCKEE MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
--------------------------------------	--	---------------------------------	--	---------------------------

LD 1155 proposed to create a comprehensive program to protect Maine lakes from introductions of milfoil and other invasive aquatic plants and nuisance species. This bill established an emergency program of boat inspections, public information activities, lake monitoring and an emergency response program to eradicate new introductions of milfoil and other invasive aquatic plants and nuisance species. The emergency program was required to be implemented by July 1, 2001.

The bill also proposed to establish a Great Ponds Protection Council and required the council to coordinate the State's preparation of a comprehensive state plan that met the requirements of the federal National Invasive Species Act of 1996. Approval of the state plan by the federal Aquatic Nuisance Species Task Force is required under federal law for the State to have the opportunity to obtain up to 75% in federal matching funds for its invasive species lake protection program.

The bill also proposed to provide state funding for the nuisance species prevention boat trailer registration program through a combination of new boat trailer registration fees and increased boat registration fees. The bill gave the Commissioner of Environmental Protection authority to designate lakes and other bodies of water, or portions

Joint Standing Committee on Natural Resources

thereof, as invasive species containment areas. The commissioner was authorized to regulate the use of such containment areas to prevent the spread of invasive aquatic plants and nuisance species. The bill also proposed to authorize the Commissioner of Conservation and the Commissioner of Inland Fisheries and Wildlife to suspend the use of state boat launch facilities under the commissioners' respective jurisdictions as necessary to contain infestations of invasive aquatic species. To the extent consistent with the containment of the infestation, the commissioner suspending the use of a boat launch was required to provide alternate public access to the affected lake or body of water.

LD 1192 **An Act to Establish a Permanent Interagency Task Force on** **ONTP**
Aquatic and Terrestrial Invasive and Exotic Species

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	ONTP	

LD 1192 proposed to establish a permanent Interagency Task Force on Aquatic and Terrestrial Invasive and Exotic Species.

LD 1199 **An Act to Allow Farm Ponds on Low-value Wetlands** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	ONTP	

LD 1199 proposed to amend the law to allow for the construction of farm ponds used for irrigation in low-value wetlands.

LD 1252 **An Act to Create Certainty in Maine's Air Quality Program** **PUBLIC 233**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY	OTP-AM	H-298

LD 1252 proposed to prohibit the Department of Environmental Protection, Board of Environmental Protection from adopting rules to implement the California Stage II Enhanced Vapor Recovery Program in Maine, as adopted by the California Air Resource Board on March 23, 2000. The bill proposed that any Stage II vapor recovery system installed in Maine prior to the effective date of the proposed Act could have been reviewed for certification only under rules in effect on the effective date of the proposed Act and was not subject to any more stringent standards subsequently adopted. The bill also proposed to make rules adopted by the board for Stage II gasoline station vapor recovery requirements major substantive rules and included a provision that repealed the statutory gasoline station vapor recovery requirements on January 1, 2008.

Committee Amendment "A" (H-298) proposed to prohibit the Department of Environmental Protection, Board of Environmental Protection from adopting rules to implement the California enhanced vapor recovery system in

Joint Standing Committee on Natural Resources

Maine, as adopted by the California Air Resources Board on March 23, 2000. It did however propose to allow for fine-tuning of the State's Stage II rule in the future to allow for adoption of minor elements of the California enhanced vapor recovery system, such as a swivel adaptor part, for use in current Stage II systems. The amendment also directed the Department of Environmental Protection to report back to the Joint Standing Committee on Natural Resources with an appropriate date for the repeal of this section. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 233 prohibits the Board of Environmental Protection from adopting rules to implement the California enhanced vapor recovery system in Maine, as adopted by the California Air Resources Board on March 23, 2000. It does, however, allow for fine-tuning of the State's Stage II rule to allow for adoption of minor elements of the California enhanced vapor recovery system, such as a swivel adaptor part, for use in current Stage II systems. It also directs the Department of Environmental Protection to report back to the Joint Standing Committee on Natural Resources with an appropriate date for the repeal of this prohibition.

LD 1278

An Act to Implement the Recommendations of the Task Force to Study Growth Management

**PUBLIC 359
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-563 COWGER
S-139

LD 1278 proposed to implement the recommendations of the Task Force to Study Growth Management. It amended the definition of subdivision in the subdivision law; it appropriated funds for the development of a regionally based geographic information system for tracking patterns of development; it appropriated funds for grants for financial and technical assistance to municipalities for the preparation, updating and implementation of comprehensive plans; and it capitalized the Municipal Investment Trust Fund.

Committee Amendment "A" (S-139) proposed to delete the bill's proposed changes to the 40-acre lot exemption in the subdivision law. The amendment also provided that, under the subdivision law, a division accomplished by gift to a relative is not exempt from subdivision review if the consideration given is more than 1/2 of the assessed value of the real estate. It clarified that the authority of a municipality to expand the definition of subdivision is limited to the expansion currently specified in law. It deleted the proposed requirement regarding differing lot size or setback ordinances for subdivisions and nonsubdivisions. It deleted all appropriation sections of the bill.

House Amendment "A" to Committee Amendment "A" (H-410) proposed to remove proposed changes relating to the authority of a municipality to expand the definition of a subdivision. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-537) proposed to add an emergency preamble and emergency clause to the bill. The amendment also proposed to repeal the law concerning the authority of a municipality to expand the definition of a subdivision as of October 1, 2002. The amendment clarified that a municipal ordinance enacted before this emergency legislation would not be invalidated by the legislation. The amendment also required the State Planning Office to study the status of municipal subdivision ordinances and to report to the Joint Standing Committee on Natural Resources before December 15, 2001. This amendment was not adopted.

Joint Standing Committee on Natural Resources

House Amendment "C" to Committee Amendment "A" (H-563) proposed to incorporate House Amendment "B" to Committee Amendment "A" with 2 exceptions. It eliminated the emergency preamble and emergency clause and it added a retroactivity section to the bill.

Enacted law summary

Public Law 2001, chapter 359 amends the subdivision law. It amends the definition of subdivision. It also provides that a municipality may not enact an ordinance that expands the definition of subdivision except as provided in the law and it repeals this provision as of October 1, 2002. Chapter 359 also requires the State Planning Office to study the status of municipal subdivision ordinances and to report to the Joint Standing Committee on Natural Resources before December 15, 2001. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 120th Legislature based on that study. Chapter 359 applies retroactively to June 1, 2001.

LD 1290	An Act to Conform New Motor Vehicle Emission Standards to Federal Emission Standards Adopted by the United States Environmental Protection Agency	ONTP
----------------	----------------------------------------------------------------------------------------------------------------------------------------------------------	-------------

<u>Sponsor(s)</u> CLARK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
----------------------------	---------------------------------	---------------------------

LD 1290 proposed to amend emission standards for new motor vehicles to make Maine's standards consistent with the latest federal standards. It required the Board of Environmental Protection within the Department of Environmental Protection to adopt the same standards as the United States Environmental Protection Agency in its most recent rulemaking, the "Tier 2" standards.

LD 1293	An Act to Ban the Sale of Fever Thermometers that Contain Mercury	ONTP
----------------	--------------------------------------------------------------------------	-------------

<u>Sponsor(s)</u> BULL MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
-------------------------------------	---------------------------------	---------------------------

LD 1293 proposed to prohibit the sale or transfer of mercury fever thermometers.

Joint Standing Committee on Natural Resources

LD 1308

An Act to Implement the Recommendations of the Department of Environmental Protection on Ambient Water Quality Criteria for Mercury

**PUBLIC 418
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-638 COWGER
S-276

LD 1308 proposed to repeal the existing mercury discharge limit of 10 parts per billion and replace it with a prohibition on the discharge of mercury in any amount greater than that allowed by rules adopted by the Board of Environmental Protection. The bill also proposed to allow publicly owned treatment facilities to require dischargers to implement pollution prevention measures to reduce the mercury load while statewide, risk-based criteria are being developed. This bill was reported out by the Joint Standing Committee on Natural Resources pursuant to Public Law 1999, chapter 500.

Committee Amendment "A" (S-276) replaces the bill. The amendment requires the Department of Environmental Protection to establish and periodically revise interim discharge limits for mercury in order to reduce the discharge of mercury over time. Discharge limits established by the department may not be less stringent than an interim limit established by the department pursuant to its rules effective February 5, 2000. A facility discharging mercury must comply with the interim limit unless the department establishes a new interim limit. A facility in compliance with an interim discharge limit or remediation plan, order or license established by the department is not in violation of any of the ambient water quality criteria for mercury.

The amendment also prohibits discharges of mercury to a publicly owned treatment facility that contributes to the failure of the treatment facility to comply with interim effluent limits or applicable ambient water quality criteria for mercury. The amendment allows the owner of the publicly owned treatment facility to require a user, other than a residential user, to institute measures needed to abate the discharge of mercury to the facility and establish reasonable time schedules for completion of the measures.

The amendment also establishes specific ambient water quality criteria for mercury for aquatic life and human health and requires the Department of Environmental Protection to establish by rule wildlife protection criteria. The amendment also authorizes the department to establish a site-specific bioaccumulation factor for mercury protective of human health and wildlife and requires the department to adopt major substantive rules establishing a statewide bioaccumulation factor protective of 95% of the State's water bodies.

The amendment also requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 and every 5 years thereafter on the status of mercury discharges; progress in implementing pollution prevention plans; and progress toward attaining ambient water quality criteria for mercury. The report may include any necessary implementing legislation.

The amendment also adds a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-638) removes an erroneous reference to water quality criteria.

Joint Standing Committee on Natural Resources

Enacted law summary

Public Law 2001, chapter 418 requires the Department of Environmental Protection to establish and periodically revise interim discharge limits for mercury in order to reduce the discharge of mercury over time. Discharge limits established by the department may not be less stringent than an interim limit established by the department pursuant to its rules effective February 5, 2000. A facility discharging mercury must comply with the interim limit unless the department establishes a new interim limit. A facility in compliance with an interim discharge limit or remediation plan, order or license established by the department is not in violation of any of the ambient water quality criteria for mercury.

The law also prohibits discharges of mercury to a publicly owned treatment facility that contributes to the failure of the treatment facility to comply with interim effluent limits or applicable ambient water quality criteria for mercury. The law allows the owner of the publicly owned treatment facility to require a user, other than a residential user, to institute measures needed to abate the discharge of mercury to the facility and establish reasonable time schedules for completion of the measures.

The law also establishes specific ambient water quality criteria for mercury for aquatic life and human health and requires the Department of Environmental Protection to establish by rule wildlife protection criteria. The law also authorizes the department to establish a site-specific bioaccumulation factor for mercury protective of human health and wildlife and requires the department to adopt major substantive rules establishing a statewide bioaccumulation factor protective of 95% of the State's water bodies.

The law also requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 and every 5 years thereafter on the status of mercury discharges; progress in implementing pollution prevention plans; and progress toward attaining ambient water quality criteria for mercury. The report may include any necessary implementing legislation.

Chapter 418 was enacted as an emergency measure effective June 15, 2001.

LD 1331 **Resolve, to Establish a Model Building Rehabilitation Code for the State** **RESOLVE 29**

<u>Sponsor(s)</u> KOFFMAN TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-299
---------------------------------------	-----------------------------------	------------------------------------

LD 1331 proposed to create the Maine Building Rehabilitation Code. The bill also proposed to establish the Maine Building Rehabilitation Code Advisory Council.

Committee Amendment "A" (H-299) replaced the original bill. The amendment proposed to direct the State Planning Office, with assistance from the Maine Building Rehabilitation Code Advisory Council, to develop a model building rehabilitation code for Maine, develop options for providing fiscal incentives for municipalities to adopt the model code and, to the extent funding is available, provide technical assistance and training in connection with the model code. The amendment also created the Maine Building Rehabilitation Code Advisory Council for the limited purpose of assisting the State Planning Office in developing the model code. Finally, the amendment

Joint Standing Committee on Natural Resources

directed the State Planning Office to develop the code by January 15, 2002 and report back to the Joint Standing Committee on Natural Resources by February 15, 2002. It also added a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 29 directs the State Planning Office, with assistance from the Maine Building Rehabilitation Code Advisory Council, to develop a model building rehabilitation code for Maine, develop options for providing fiscal incentives for municipalities to adopt the model code and, to the extent funding is available, provide technical assistance and training in connection with the model code. It also creates the Maine Building Rehabilitation Code Advisory Council for the limited purpose of assisting the State Planning Office in developing the model code. It also directs the State Planning Office to develop the code by January 15, 2002 and report back to the Joint Standing Committee on Natural Resources by February 15, 2002.

LD 1348

An Act to Ensure the Financial Stability and Effectiveness of Certain Pollution Abatement Programs Administered by the Department of Environmental Protection

PUBLIC 230

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY	OTP-AM	H-300

LD 1348 proposed to increase the annual license fees for overboard discharges throughout the State and to make several nonsubstantive clarifications and corrections to inconsistent language to the law.

Committee Amendment "A" (H-300) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 230 increases the annual license fees for overboard discharges throughout the State. The base fee is increased for all overboard discharges, and the discharge fee per gallon of wastewater is raised from \$0.02 per gallon to \$0.05. A reference to storm water discharges is removed from the general permit fee coverage. A small number of nonsubstantive clarifications and corrections to inconsistent language are also made. The law also clarifies that the units of measurement for nonconventional and toxic pollutants are to be in milligrams per liter.

LD 1354

An Act to Restrict the Use of the Term "Maine Water" to Water From Maine

PUBLIC 174

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP	

LD 1354 proposed to prohibit the labeling or advertising of water as "Maine water" or "from Maine" unless the water is from a natural source in the State.

Joint Standing Committee on Natural Resources

Enacted law summary

Public Law 2001, chapter 174 prohibits the labeling or advertising of water as "Maine water" or "from Maine" unless the water is from a natural source in the State.

LD 1358

An Act to Require Truth in Advertising of Natural Water

PUBLIC 283

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP-AM	S-135

LD 1358 proposed to prohibit adding any additive, chemical or other substance to water for sale that is advertised or labeled as "natural."

Committee Amendment "A" (S-135) proposed to replace the bill and require that water sold in the State in containers and intended for human consumption must identify the location of the water body, well or public water supply from which the water was obtained.

Enacted law summary

Public Law 2001, chapter 283 requires that water sold in the State in containers and intended for human consumption must identify the location of the water body, well or public water supply from which the water was obtained.

LD 1398

An Act to Create a Sprawl Offset Tax

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	ONTP	

LD 1398 proposed to establish a tax on the installation of new subsurface wastewater disposal systems in locations that were not included within a growth area designated by a municipality as part of a comprehensive planning process. The tax was equal to \$750 per toilet installed in residential facilities and \$1,000 per toilet installed in other facilities. The tax would be paid to the municipal plumbing inspector before a permit could be issued. The municipality retained 10% of the revenue to cover its collection costs. The remaining 90% of revenue was sent to the State and the net amount deposited 1/2 in the Municipal Investment Trust Fund to assist municipalities with public infrastructure improvements and downtown development and 1/2 in the Housing Opportunities for Maine Fund to support affordable housing.

Joint Standing Committee on Natural Resources

LD 1404

**Resolve, to Create a Stakeholders Group to Modernize Maine's
Clean Air Policy**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM	H-301
MARTIN		H-425 COWGER

LD 1404 proposed to establish a stakeholders study group to study and recommend changes to Maine's clean air laws.

Committee Amendment "A" (H-301) proposed to direct the Commissioner of Environmental Protection to convene the Air Quality Advisory Committee. Membership on the committee would have included representatives of various interests, including Legislative members. The duties of the committee included considering possible future air control strategies, agreements for control strategies with 3rd-party groups, acid and heavy metal deposition, emissions trading and toxic air emissions issues. The committee would have been staffed by the Department of Environmental Protection and would have submitted a report of its findings and recommendations, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than November 15, 2001. The amendment also added an appropriation section and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-425) proposed to correct an internal reference to the Air Quality Advisory Committee.

LD 1408

**An Act to Pay for Cleanup of Contamination at a Waste Oil
Disposal Site in Plymouth**

**PUBLIC 356
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	OTP-AM	H-496
MARTIN		

LD 1408 proposed to amend State law to address the liability of persons who sent waste oil and other hazardous matter to a handling facility in Plymouth. The bill proposed to provide grants and loans for all response costs at the Plymouth waste oil site. Under the proposal, responsible parties would have been eligible for grants of up to \$75,000 if they employed 50 or fewer people or had annual gross sales of \$5,000,000 or less. State agencies, municipalities and school districts that are responsible parties at the site would have been eligible for grants and loans. The expanded grant and loan program was expected to cost the State about \$7,500,000. Revenues would have been obtained from unused money previously transferred to the fund from the Maine Rainy Day Fund and the Underground Oil Storage Tank Replacement Fund and from an additional one-time transfer of \$4,300,000 from the Maine Rainy Day Fund.

Committee Amendment "A" (H-496) proposed to amend state law to address the past cost settlement, remedial study costs and time-critical removal action costs of persons who sent waste oil and other hazardous matter to a handling facility in Plymouth. It authorized the Finance Authority of Maine, or "FAME," to use money in the Waste Oil Clean-up Fund for loans for remedial study costs, past settlement costs and time-critical removal action costs associated with the Plymouth waste oil site. It amended the loan eligibility criteria. It specified that loans

Joint Standing Committee on Natural Resources

may not be used to pay attorney's fees. It authorized FAME to condition loan payments on receipt of an ability-to-pay determination from the United States Environmental Protection Agency, or "EPA." It required loan applications to be received by FAME within 90 days after the effective date of this Act. It deferred repayment of the loans until a final remedy at the site and the cost of the final remedy are determined. It directed FAME to prorate the amount of the loan available to each applicant, if the total amount of loan requests exceeds funds available. It required FAME to establish a registry of persons who qualify for the loans. It had a transition provision for loans received under the previous Plymouth remedial study loan program. It authorized the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 120th Legislature relating to clean-up costs and remedial activities at the Plymouth site. It added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 356 amends the law to address the past cost settlement, remedial study costs and time-critical removal action costs of persons who sent waste oil and other hazardous matter to a handling facility in Plymouth.

1. It authorizes the Finance Authority of Maine, or "FAME," to use money in the Waste Oil Clean-up Fund for loans for remedial study costs, past settlement costs and time-critical removal action costs associated with the Plymouth waste oil site.
2. It amends the loan eligibility criteria.
3. It specifies that loans may not be used to pay attorney's fees.
4. It authorizes FAME to condition loan payments on receipt of an ability-to-pay determination from the United States Environmental Protection Agency, or "EPA."
5. It requires loan applications to be received by FAME within 90 days after the effective date of this Act.
6. It defers repayment of the loans until a final remedy at the site and the cost of the final remedy are determined.
7. It directs FAME to prorate the amount of the loan available to each applicant, if the total amount of loan requests exceeds funds available.
8. It requires FAME to establish a registry of persons who qualify for the loans.
9. It has a transition provision for loans received under the previous Plymouth remedial study loan program.
10. It authorizes the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 120th Legislature relating to clean-up costs and remedial activities at the Plymouth site.

Chapter 356 was enacted as an emergency measure effective June 4, 2001.

Joint Standing Committee on Natural Resources

LD 1409

An Act to Address the Health Effects of Mercury Fillings

PUBLIC 385

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM MAJ	S-278
STANLEY	OTP-AM MIN	

LD 1409 proposed, as a concept draft, to amend the law to address the health effects of mercury fillings.

Committee Amendment "A" (S-278), the majority report of the Joint Standing Committee on Natural Resources, proposed to require the Director of the Bureau of Health within the Department of Human Services to develop and adopt, through major substantive rulemaking, a brochure that explains the potential advantages and disadvantages of mercury amalgam and alternative materials used in dental procedures and a poster informing patients of the availability of the brochure. The amendment also proposed that a dentist who uses mercury amalgam in dental procedures be required, after July 1, 2002, to display the poster in the public waiting area of that dentist's office and to provide each patient with a copy of the brochure. The amended proposed that the brochure and the poster be developed in consultation with the Department of Environmental Protection.

Committee Amendment "B" (S-279), the minority report of the Joint Standing Committee on Natural Resources, proposed to prohibit dentists from knowingly using mercury or a mercury amalgam in any dental procedure involving a person 8 years of age or younger or a woman who is pregnant.

Enacted law summary

Public Law 2001, chapter 385 requires the Director of the Bureau of Health within the Department of Human Services to develop and adopt, through major substantive rulemaking, a brochure that explains the potential advantages and disadvantages of mercury amalgam and alternative materials used in dental procedures and a poster informing patients of the availability of the brochure. A dentist who uses mercury amalgam in dental procedures is required, after July 1, 2002, to display the poster in the public waiting area of that dentist's office and to provide each patient with a copy of the brochure. The brochure and the poster are required to be developed in consultation with the Department of Environmental Protection.

LD 1429

Resolve, to Assess the Consequences of Climate Change in the State

RESOLVE 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-230
SAWYER		

LD 1429 proposed to require the Department of Environmental Protection, in consultation with the Institute for Quaternary and Climate Studies at the University of Maine, to develop for submission to the Second Regular Session of the 120th Legislature no later than January 1, 2002 a plan for establishing the position of Maine State Climatologist within the institute to be funded through legislative appropriation and whose activities must be coordinated with and supported by the department.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (H-230) proposed to remove the provision from the resolve that created a position of State Climatologist to be funded from the General Fund and instead designate the climatologist at the Institute for Quaternary and Climate Studies at the University of Maine as the "Maine State Climatologist."

Enacted law summary

Resolve 2001, chapter 28 designates the climatologist at the Institute for Quaternary and Climate Studies at the University of Maine as the "Maine State Climatologist" and directs the Maine State Climatologist to design and develop a statewide environmental monitoring network to detect changes in key environmental conditions related to climate. The program must be designed to increase public awareness of climate-related phenomena and to identify actions that may be taken to lower risks of climate change and its effects on public health and welfare. The information developed by the program must be available to the public and organized in a manner to help businesses, natural resource managers, farmers and governmental agencies plan for future effects of climate change. The law also directs the Department of Environmental Protection to identify a process for collecting and reporting statewide emissions of greenhouse gases on a regular basis and to develop and maintain a voluntary registry of actions taken subsequent to 1989 by persons or corporations to control emissions of greenhouse gases, including the sequestration of carbon that otherwise might have been released as carbon dioxide.

LD 1449

An Act to Ensure Municipal Authority over Sludge and Septage Land Spreading Sites

PUBLIC 247

Sponsor(s)
COWGER
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
H-302

LD 1449 proposed to allow a municipality to enact stricter standards than the standards adopted by the Department of Environmental Protection for the land spreading of sludge and septage, provided the governing body of the municipality voted in favor of the stricter standards, and the municipality provided for alternative disposal for all sludge or septage generated within that municipality.

Committee Amendment "A" (H-302) replaced the original bill. It proposed to require the Department of Environmental Protection to develop guidance to municipalities regarding the regulation of septage and sludge land application and also required the department to report on the status of that guidance by January 30, 2002. The amendment also clarified that septage is excluded from the definition of solid waste. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 247 requires the Department of Environmental Protection to develop guidance to municipalities regarding the regulation of septage and sludge land application and also requires the department to report on the status of that guidance by January 30, 2002. It also clarifies that septage is excluded from the definition of solid waste.

Joint Standing Committee on Natural Resources

LD 1454

Resolve, to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials

**RESOLVE 65
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE MARTIN	OTP-AM	H-445 S-376 BENNETT

LD 1454 proposed to create a 14-member commission to study the establishment of the Department of Environmental Protection as the lead response agency in all emergency releases and spills of toxic or hazardous materials into the environment. In conducting the study, the commission was required to study the manner in which state, county and municipal governments respond to unplanned or emergency releases and spills of toxic or hazardous materials into the environment and to recommend any changes to laws, rules, ordinances or procedures in order to clearly establish the Department of Environmental Protection as the lead response agency in all geographic areas of the state for all such releases. The proposed commission was also required to make recommendations for any improvements to communications systems, equipment or training at the state, local or county level necessary to establish the department as the lead response agency for such releases.

Committee Amendment "A" (H-445) proposed to amend the duties of the commission. The amendment also proposed to add the Commissioner of Environmental Protection and the Commissioner of Labor and 2 members of private industry to the commission membership. The amendment also proposed to change the appointing authorities. The amendment also clarified that the commission would work with the private sector in undertaking its study and it provided legislative per diem to nonlegislative members of the commission who were not otherwise compensated for attending commission meetings. The amendment also proposed to require the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to reimburse the Legislature for per diem and expenses for commission members who are Legislators and members who are not otherwise compensated and for costs incurred in printing the commission's report.

Senate Amendment "A" to Committee Amendment "A" (S-376) proposed to require the first meeting of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials to be held by August 15, 2001. It also proposed to limit payment of a per diem for attendance at commission meetings to Legislators. The amendment added an emergency preamble and emergency clause.

Enacted law summary

Resolve 2001, chapter 65 establishes the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. The 18-member commission is directed to study the manner in which state, county and municipal governments and private industry respond to unplanned or unlawful releases and spills of toxic or hazardous materials. The commission is to report its findings to the Second Regular Session of the 120th Legislature no later than December 5, 2001.

Chapter 65 was enacted as an emergency measure effective June 28, 2001.

Joint Standing Committee on Natural Resources

LD 1477

**An Act to Amend Certain Laws Regarding Land and Water
Quality Protection**

PUBLIC 232

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-314

LD 1477 makes many minor changes to statutes administered by the Department of Environmental Protection, Bureau of Land and Water Quality.

Committee Amendment "A" (H-314) proposes to change the make-up of the Maine Public Drinking Water Commission and to make several technical corrections to the bill..

Enacted law summary

Public Law 2001, chapter 232 makes the following changes to statutes administered by the Department of Environmental Protection, Bureau of Land and Water Quality:

1. It repeals a provision that prevents a cause of action by a riparian or littoral owner against a licensed discharger under certain circumstances;
2. It changes the date in the definition of "Code of Federal Regulations" to include amendments to that code effective on or before January 1, 2001;
3. It changes the date in the definition of "Federal Water Pollution Control Act" to include amendments to that Act effective on or before January 1, 2001;
4. It amends the definition of "person" to specifically include an association, a partnership and the agents and employees of the legal entities included in the definition;
5. It removes a requirement related to an initial report submitted several years ago and waives the reporting requirement when the program is not funded;
6. It removes an exemption from wastewater discharge licensing requirements for use of control material on invasive aquatic plants by the department or a person designated by the department;
7. It removes the cap of \$1,000,000 for total expenditures in any fiscal year for purposes of grants under the small community grant program;
8. It provides that any standard established by the department pursuant to the Maine Revised Statutes, Title 38, section 413 or 414-A with respect to cooling water discharges and applicable to point sources requires that the location, design, construction and capacity of cooling water intake structures reflect the best available technology for minimizing adverse environmental impacts;
9. It amends the definition of "publicly owned treatment works" to make it more consistent with the federal definition by adding a reference to sewer pipes leading to the treatment facility itself;

Joint Standing Committee on Natural Resources

10. It clarifies that a person needing a permit under the storm water management law must receive approval prior to beginning construction;
11. It deletes language in the section of the storm water management law referring to traffic permits, which the department no longer requires. It also adds language providing that a storm water permit is not required in a municipality with delegated authority under the site location of development law if the ordinances under which the project is reviewed are at least as stringent as the department's storm water standards, as determined by the department;
12. It clarifies that the Maine Land Use Regulation Commission, or LURC, may amend permits for projects in LURC jurisdiction that were previously issued by the department pursuant to the natural resources protection laws;
13. It corrects an apparent conflict between the Maine Revised Statutes, Title 38, section 480-E-1 and section 480-V. Currently, Title 38, section 480-E-1 provides that LURC issues all permits under the natural resources protection law, Title 38, chapter 3, subchapter I, article 5-A, for projects within its jurisdiction, using Title 12, sections 681 to 689 and rules and standards adopted under those sections. However, Title 38, section 480-V states that that article does not apply to certain protected natural resources within LURC jurisdiction. Under the bill, Title 38, chapter 3, subchapter I, article 5-A would apply statewide and LURC would continue to issue permits in LURC jurisdiction pursuant to Title 38, section 480-E-1;
14. It requires a 2nd report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning the wetlands compensation program;
15. It changes the repeal date for the statutory section providing for a wetlands compensation program from October 15, 2001 to October 15, 2003;
16. It makes 3 changes to the site location of development law's exemption for roundwood and lumber storage yards. First, it clarifies that the phrase "erosion and sedimentation control standards and storm water standards contained in board rules" refers to rules adopted pursuant to the site location of development law. Second, it provides a fee for the processing of an application for a minor revision or transfer of the submitted notice of intent. Third, it deletes a reference to certain guidance documents;
17. It makes 2 changes to the site location of development law's exemptions for certain modifications in permitted subdivisions. The Maine Revised Statutes, Title 38, section 488, subsection 20 currently contains 3 separate exemptions. No change is proposed to the exemption Title 38, section 488, subsection 20 in paragraph A. The proposed amendment to Title 38, section 488, subsection 20, paragraph B adds a requirement, consistent with an existing requirement in Title 38, section 488, subsection 20, paragraph A, that the proposed activity not be contrary to the terms of the original permit. The bill repeals Title 38, section 488, subsection 20, paragraph C, which contains an exemption addressing relocation of septic systems; and
18. It reduces from 4 to 3 the number of members of the Maine Public Drinking Water Commission who represent public water systems and increases the number of public members from 2 to 3. The size of this commission remains at 8 members. An unallocated section reassigns 2 current members as necessary to accommodate the new categories.

Joint Standing Committee on Natural Resources

LD 1478 **An Act to Amend Maine's Growth Management Law and Related Laws** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE DOUGLASS		

LD 1478 proposes to amend the growth management law and laws relating to growth management.

LD 1478 was carried over to the Second Regular Session.

LD 1488 **An Act to Require Major Water Users to Provide Public Information About Their Annual Water Withdrawals from Public Water Resources** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT		

LD 1488 proposes to establish a system for obtaining information concerning the withdrawal of water from water sources in the State and providing this information to the public. The bill proposes to require each person who makes a withdrawal of water from a water source in excess of either 20,000 gallons a month or 10,000 gallons in any one day to file a water withdrawal report with the Department of Environmental Protection.

LD 1543 **An Act to Reduce the Release of Dioxin from Consumer Products into the Environment** **PUBLIC 277**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-178

LD 1543 proposed to restrict the disposal of dioxin-forming products to avoid burning or incineration that results in the release of dioxin into the environment, to establish an education and outreach program to reduce the improper management of dioxin-forming products and to encourage the State to purchase alternatives to dioxin-forming products when practicable.

Committee Amendment "A" (S-178) proposed to replace the bill and clarify that the out-of-door burning of highly combustible trash is prohibited when municipal trash service is provided, not just in those towns having curbside trash collection services. The amendment also proposed to ban the out-of-door burning of construction and demolition debris containing plastics, rubber, styrofoam, metals, food wastes or chemicals and adds a state goal to reduce the release of dioxin and mercury to the environment. The amendment also includes the outlines of a dioxin-

Joint Standing Committee on Natural Resources

related education program included in the bill, but clarifies that it is to be a one-time program that must be implemented within existing budgeted resources of the Department of Environmental Protection.

Enacted law summary

Public Law 2001, chapter 277 clarifies that the out-of-door burning of highly combustible trash is prohibited when municipal trash service is provided, not just in those towns having curbside trash collection services. This law also bans the out-of-door burning of construction and demolition debris containing plastics, rubber, styrofoam, metals, food wastes or chemicals and adds a state goal to reduce the release of dioxin and mercury to the environment. This law also authorizes a one-time dioxin-related education program that must be implemented within existing budgeted resources of the Department of Environmental Protection.

LD 1546 An Act to Establish the Waste Motor Oil Disposal Site Remediation Program ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP	

LD 1546 proposed to provide a financial mechanism for assisting with the cleanup of waste oil disposal sites located in Plymouth, Ellsworth and Casco, Maine. The bill authorized the Finance Authority of Maine to issue revenue obligation securities in amounts up to \$65,000,000 to fund those clean-up costs. The revenue obligation securities would be retired with funds derived from a 20¢ per quart premium on every quart of motor oil sold in the State at wholesale.

The State and instrumentalities of the State, including the Department of Transportation, the Department of Public Safety and counties and municipalities, were eligible to participate in the waste motor oil disposal site remediation program. The revenue obligation securities would have also covered the shares of those businesses that maintained or repaired motor vehicles between 1953 and 1981 or their successors in interest and that had waste motor oil deposited at one or more of the 3 sites. Any business that operated a fleet of 25 or more vehicles for which it performed its own maintenance and repairs and that contributed waste motor oil to one or more of the 3 sites would have been eligible for participation in the program. The United States Government and its instrumentalities would not have been eligible to participate in the program.

The 16-member Waste Motor Oil Revenue Board would have been created to oversee the process and make determinations as to eligibility for participation in the program.

LD 1559 An Act to Amend the Zoning Laws Regarding Dimensional Variances ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE C	ONTP	

LD 1559 proposed to clarify that a dimensional variance under the "practical difficulty" standard was available for area variances in situations where the use pursued is permitted in the zoning district. The "practical difficulty"

Joint Standing Committee on Natural Resources

standard applied a balancing test, weighing the difficulty for the property owner in complying with the strict terms of the zoning ordinance against the detriment to the integrity of the zoning ordinance or the negative impact on the neighborhood if the variance was granted.

LD 1601 **An Act to Authorize the Construction of Public Trails in Shoreland Areas** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	ONTP	

LD 1601 proposed to amend the shoreland zoning ordinance guidelines to provide for the construction of public pathways for recreational public nonmotorized uses such as biking, walking and skiing so long as those pathways met certain construction criteria.

LD 1643 **An Act to Provide Criteria for the Municipal Use of Rate of Growth CARRIED OVER Ordinances**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE MARTIN		

LD 1643 proposes to outline the parameters within which a municipality may adopt a growth rate ordinance. Under the proposal, temporary growth rate ordinances may be enacted only to slow development while a community works toward solving the problems necessitating the growth rate ordinance. A permanent growth rate ordinance may be enacted only as part of an integrated growth management strategy and also may be used in designated rural areas as a mechanism to guide growth within a community. The bill also proposes to clarify that a municipality with a comprehensive plan may implement a growth rate ordinance in its rural area only.

LD 1643 was carried over to the Second Regular Session.

LD 1665 **An Act to Further Reduce Mercury Emissions from Consumer Products** **PUBLIC 373**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ	H-417
MARTIN	OTP-AM MIN	H-471 COWGER S-247 MARTIN

LD 1665 proposed to reduce the release of mercury into the environment from consumer products by:

1. Requiring manufacturers to notify the Department of Environmental Protection if they intend to distribute a mercury-added product in Maine;

Joint Standing Committee on Natural Resources

2. Requiring product manufacturers to provide information on mercury content to hospitals upon request;
3. It restricts the sale and distribution of certain mercury-added products, including fever thermometers and manometers used to measure vacuum in milking machines;
4. Restricting the sale and use of mercury and bans the use of mercury and mercury compounds in schools;
5. Requiring the Mercury Products Advisory Committee, as established under Public Law 1999, chapter 779, to report on whether and how manufacturers should be required to phase out the use of mercury in products;
6. Requiring the Department of Environmental Protection, in consultation with automobile manufacturers, dismantlers, recyclers and other interested parties, to report on whether and how automobile manufacturers should be required to phase out the use of mercury-added components;
7. Authorizing the Department of Environmental Protection to participate in a regional clearinghouse to coordinate the regulatory actions regarding mercury-added products; and
8. Repealing a section of a resolve requiring the Land and Water Resources Council to report annually on recommended mercury-reduction initiatives.

Committee Amendment "A" (H-417), the majority report of the Joint Standing Committee on Natural Resources, proposed to revise the manufacturer notification provision of the bill and to revise proposed requirements governing the sale or transfer of elemental mercury to exempt transactions for manufacturing or recycling purposes. The amendment also authorizes the handling of mercury thermometers in a manner consistent with standards applicable to universal waste under the United States Department of Environmental Protection's hazardous waste management rules.

House Amendment "A" (H-471) proposed that the disclosure requirements of the bill not apply to drugs that are approved by the United States Food and Drug Administration.

Senate Amendment "A" (S-247) proposed to remove the requirement to analyze each batch or lot of formulated products for mercury content and substituting a requirement to analyze the products at least annually.

Enacted law summary

Public Law 2001, chapter 373 reduces the release of mercury into the environment from consumer products.

LD 1666

An Act to Improve the Inspection and Maintenance of Underground Oil Storage Tanks

PUBLIC 231

Sponsor(s)
TOBIN D
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-316

Joint Standing Committee on Natural Resources

LD 1666 proposed to prevent discharges from underground oil storage tanks by prohibiting delivery of oil to bare steel and other nonconforming tanks that are illegal to operate under current law and to tanks that do not meet applicable annual inspection requirements intended to ensure the tank is properly maintained and functioning. The bill also proposed to establish a program to expand the pool of qualified persons who can inspect an underground storage tank, and amends the law governing the Underground Oil Storage Replacement Fund to provide financial assistance if substantial tank repairs are needed.

The bill also proposed to revise the law governing the Board of Underground Tank Installers to eliminate the requirement that one of the seats on the 7-member board be reserved for a representative from the Oil and Solid Fuel Board, the Plumbers' Examining Board or the State Board of Certification for Geologists and Soil Scientists.

Committee Amendment "A" (H-316) proposed to make the following changes to the bill:

1. It removed the bill provision that prohibits oil dealers from filling an underground oil storage tank that has not been inspected in accordance with state law;
2. It authorized the Department of Environmental Protection to take administrative enforcement action against the owner and operator of an underground oil storage tank if the tank has not been inspected as required under state law or repaired as necessary to correct any deficiencies discovered during the inspection; and
3. It prohibited oil dealers from filling a nonconforming underground oil storage tank, such as one that is not resistant to corrosion, provided the tank appears on a list of nonconforming tanks published by the department.

Enacted law summary

Public Law 2001, chapter 231 prevents discharges from underground oil storage tanks by prohibiting delivery of oil to bare steel and other nonconforming tanks that are illegal to operate under current law, establishes a program to expand the pool of qualified persons who can inspect an underground storage tank, and amends the law governing the Underground Oil Storage Replacement Fund to provide financial assistance if substantial tank repairs are needed.

This law also revises the Board of Underground Tank Installers to eliminate the requirement that one of the seats on the 7-member board be reserved for a representative from the Oil and Solid Fuel Board, the Plumbers' Examining Board or the State Board of Certification for Geologists and Soil Scientists. This law also authorizes the Department of Environmental Protection to take administrative enforcement action against the owner and operator of an underground oil storage tank if the tank has not been inspected as required under state law or repaired as necessary to correct any deficiencies discovered during the inspection, and prohibits oil dealers from filling a nonconforming underground oil storage tank, such as one that is not resistant to corrosion, provided the tank appears on a list of nonconforming tanks published by the department.

Joint Standing Committee on Natural Resources

LD 1693

An Act to Amend the Comprehensive Planning and Land Use Regulation Laws

PUBLIC 406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT DAIGLE	OTP-AM	S-265

LD 1693 proposed to amend the comprehensive planning and land use regulation laws. The bill proposed to amend deadlines in the law. The bill enabled multimunicipal planning efforts and allowed for municipalities within the Maine Land Use Regulation Commission's jurisdiction to participate if desired. The bill extended the exemption for designating residential growth areas to commercial and industrial areas in small, slow-growing municipalities. Procedural adjustments were proposed in the state review and financial assistance program guidelines. The bill proposed to reinstate preferences in state grant programs and investments for municipalities with certified growth management programs and comprehensive plans that were inadvertently eliminated in the amendments adopted in the last legislative session and clarified that the State Planning Office has rule-making authority to administer the Maine Revised Statutes, Title 30-A, chapter 187.

Committee Amendment "A" (S-265) proposed to replace the original bill and to amend the comprehensive planning and land use regulation laws.

Enacted law summary

Public Law 2001, chapter 406 amends the comprehensive planning and land use regulation laws in the following ways.

1. It authorizes the State Planning Office within the Executive Department to adopt rules.
2. It clarifies that if a town wants to have a shoreland zone larger than Department of Environmental Protection guidelines, then the shoreland zone ordinance must be based on a comprehensive plan. If the ordinance is not consistent with a comprehensive plan within 24 months after adoption of the plan, the ordinance will no longer be in effect.
3. It provides that after January 1, 2003, rate of growth, zoning and impact fee ordinances must be consistent with a comprehensive plan.
4. It provides that only those portions of a rate of growth, zoning or impact fee ordinance that are not consistent with a comprehensive plan are subject to being deemed no longer in effect.
5. It temporarily exempts from the consistency requirement ordinances of a town that is in the process of preparing a comprehensive plan or implementation program and ordinances that conflict with a newly adopted comprehensive plan or plan amendment.
6. It temporarily exempts from the consistency requirement ordinances of a town that previously requested planning or implementation grants but was denied due to lack of state funds.
7. It exempts slow growing areas from having to establish any growth areas.

Joint Standing Committee on Natural Resources

8. It exempts certain financial assistance programs from rules adopted by the Department of Administrative and Financial Services for use in the purchase of services and the awarding of grants and contracts.
 9. It allows the State Planning Office to require a higher matching requirement for grants to update comprehensive plans.
 10. It requires a recipient of a financial assistance grant to cooperate with the State Planning Office in performing program evaluations.
 11. It requires coordination among state agencies.
-
12. It amends the comprehensive plan and growth management program review process undertaken by the State Planning Office.
 13. It provides that the State Planning Office's decision on consistency of a comprehensive plan or growth management program constitutes final agency action.
 14. It authorizes the State to make growth-related capital investments in a designated growth area if it is identified in a certified growth management program.
 15. It deletes the definition of "service center" from the growth management laws.
 16. It requires state agencies to contribute to the implementation of comprehensive plans and growth management programs by making investments, delivering programs and awarding grants in a manner that reinforces the policies and strategies within the comprehensive plans or growth management programs.

LD 1700

**Resolve, to Encourage State Monitoring and Management of
Conservation Easements**

RESOLVE 31

Sponsor(s)
CARR

Committee Report
OTP-AM

Amendments Adopted
H-303

LD 1700 proposed to direct the State Planning Office to compile and maintain information on conservation easements held by state agencies. It also would have appropriated funds for costs associated with this requirement.

Committee Amendment "A" (H-303) proposed to encourage certain state agencies to pool existing resources to monitor and manage conservation easements they hold. It also directed the Executive Department, State Planning Office to the extent practicable within existing resources to coordinate the state monitoring and management of conservation easements. The amendment also added a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 31 encourages certain state agencies to pool existing resources to monitor and manage conservation easements they hold. It also directs the Executive Department, State Planning Office to the extent practicable within existing resources to coordinate the state monitoring and management of conservation easements.

Joint Standing Committee on Natural Resources

LD 1702

An Act to Amend the Enhanced Motor Vehicle Inspection Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY	ONTP	

LD 1702 proposed to extend to the entire State the enhanced motor vehicle inspection program currently limited to motor vehicles registered in Cumberland County. Under this bill, the program would have applied statewide beginning on January 1, 2002 and would have been phased into the other counties over a 2-year period in the same manner in which the program was phased in when implemented in Cumberland County.

The bill also provided a tax credit in tax year 2002 for official inspection stations that purchased the catalytic converter diagnostic testing devices necessary to conduct the enhanced inspections and allowed a credit in 2003 and beyond for official inspection stations that would purchase a new testing device to replace one that failed.

The bill also required the Department of Environmental Protection to submit a revised state implementation plan to the United States Environmental Protection Agency that incorporated these changes into the enhanced motor vehicle inspection program.

LD 1724

An Act to Provide for Remediation of Abandoned Landfills

PUBLIC 315

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP MAJ ONTP MIN	

LD 1724 proposed to clarify the authority of the Department of Environmental Protection to undertake or compel remediation of discharges from solid waste landfills. The purpose of the bill was to clarify the department's authority to deal with public health threats from municipal landfills that ceased operation before February 1, 1976 and from private landfills where the owner has gone out of business, is bankrupt or insolvent or can not be located.

Enacted law summary

Public Law 2001, chapter 315 clarifies the authority of the Department of Environmental Protection to undertake or compel remediation of discharges from solid waste landfills. It "delinks" the closure and remediation aspects of the landfill program so it is clear that there are 2 parts: closure, which is almost entirely done and remediation, which will continue for the foreseeable future. It clarifies that municipalities are eligible for reimbursement by the State of 90% of landfill remediation costs provided remediation activities are performed in accordance with a plan approved by the department. It clarifies that the financial assurance requirement for post-closure care of solid waste facilities applies to all private facilities licensed by the Department of Environmental Protection, regardless of when the facilities were licensed, closed or ceased handling waste. Finally, it clarifies that money may be disbursed from the Maine Solid Waste Management Fund to abate public health threats from solid waste disposal without waiting until the threat becomes "imminent" and regardless of whether the threat stems from legal or illegal disposal activity.

Joint Standing Committee on Natural Resources

LD 1775

Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling

**DIED ON
ADJOURNMENT**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
S-193

LD 1775 proposed to create the Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling to undertake an analysis of plastics generation by type and current method of disposal; study the feasibility of expanding the State's bottle deposit laws to include containers made of high density polyethylene, polyethylene-terephthalate or polyvinyl chloride; study the feasibility of banning the incineration of polyvinyl chloride and other plastics; recommend market-based recycling opportunities for plastics; and recommend incentives for expanded in-state end uses for plastics.

The bill proposed that the commission submit its report, together with any recommended implementing legislation, to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than December 1, 2002.

Committee Amendment "A" (S-193) changed the membership of the Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling by replacing a member from the Maine Chamber of Commerce with a representative of the plastics industry and adding a representative of the Maine Resource Recovery Association and a representative of the Maine Municipal Association. The amendment also deleted the task of studying the feasibility of banning the incineration of polyvinyl chloride and other plastics and replaced it with the task of studying the feasibility of reducing the toxicity of waste, including the diversion of polyvinyl chloride from incineration.

LD 1812

An Act to Prevent Infestation of Invasive Aquatic Plants and to Control Other Invasive Species

**PUBLIC 434
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted
H-694 CLARK
H-696 COWGER
H-700 MCKEE

LD 1812 proposed to create a program to address threats posed to the inland waters of the State by invasive aquatic plants and nuisance species.

House Amendment "C" (H-694) proposed to require that the task force work with representatives from federal, state and local agencies and private environmental and commercial interests to form a northeastern regional panel to establish priorities and coordinate activities to prevent the spread of invasive aquatic plants and nuisance species in the Northeast.

Joint Standing Committee on Natural Resources

House Amendment "D" (H-696) proposed to change the fee for a lake and river protection sticker from \$15 for any motorboat or personal watercraft to \$20 for a motorboat or personal watercraft not registered in this State and \$10 for a motorboat or personal watercraft registered in this State.

The amendment also proposed to reduce from \$5,000 to \$250 the maximum fine for operating a motorboat or personal watercraft without a sticker and specifies that a citation for operating a motorboat or personal watercraft without a sticker may not be issued to a person who is also cited at the same time for another watercraft violation and to make adjustments to the allocation section of the bill to reflect adjustments necessitated by the decreased revenues anticipated as a result of the changes to the sticker fees.

House Amendment "E" (H-700) proposed that the report required by the bill include an evaluation of providing information and inspection activities directly by the State or indirectly through contracts with municipalities and other entities.

Enacted law summary

Public Law 2001, chapter 434, which was reported out of committee pursuant to a joint order, creates a program to address threats posed to the inland waters of the State by invasive aquatic plants and nuisance species. The program is implemented through the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife.

The law requires those departments to conduct in 2001 a program that includes a substantial public education component combined with at least 5,000 person hours spent inspecting boats, motors and trailers for invasive aquatic plants at selected boat launching facilities and at no fewer than 10 roadside locations at or near the state border. In 2002 and subsequent years, the actual level of inspections will be determined by those departments in consultation with the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species, established in the law.

In addition to the education and inspection components of the program, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife are authorized to jointly issue emergency orders to restrict or prohibit the use of any watercraft on all or a portion of a water body that has a confirmed infestation of an invasive aquatic plant. Such orders must be for a specific period of time and may be issued only when the use of watercraft on that water body threatens to worsen or spread the infestation. If the infested water body is a public drinking water supply, public notification and opportunity for comment is required prior to taking any response action that proposes the use of a chemical control agent.

The law also prohibits the operation of a motorboat or personal watercraft on inland waters after January 1, 2002 unless that motorboat or personal watercraft displays a lake and river protection sticker. The fee for the sticker is \$10 for a motorboat or personal watercraft registered in Maine and \$20 for motorboats and personal watercraft not registered in Maine. The sticker will be available statewide through all agents authorized by the Department of Inland Fisheries and Wildlife to register boats or sell hunting and fishing licenses. The remaining revenues from the stickers are divided between new funds in the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection to be used for education, inspection and enforcement efforts related to the control of invasive aquatic plants and nuisance species, either directly or through grants to public or private entities. Forty percent of the revenues from the stickers are allocated to the Department of Inland Fisheries and Wildlife and 60% of the revenues are allocated to the Department of Environmental Protection.

Joint Standing Committee on Natural Resources

The law also creates a 17-member Interagency Task Force on Invasive Aquatic Plants and Nuisance Species with the responsibility of advising the Land and Water Resources Council on various actions to control invasive aquatic plants and nuisance species and to recommend a state plan to address those threats. The Task Force is also directed to work with representatives from federal, state and local agencies and private environmental and commercial interests to form a northeastern regional panel to establish priorities and coordinate activities to prevent the spread of invasive aquatic plants and nuisance species in the Northeast.

The law transfers from the Maine Rainy Day Fund to the Department of Environmental Protection and Department of Inland Fisheries and Wildlife a sufficient amount of money to fund program costs for the 2001 boating season, but requires that those departments reimburse the Maine Rainy Day Fund in full prior to the end of the 2001-02 fiscal year. Program costs for 2002 subsequent years and are funded entirely from revenues collected from the annual sale of lake and river protection stickers.

The law also directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife no later than January 15, 2002, on the invasive aquatic plant education and inspection program conducted during the 2001 boating season and on plans for that program for 2002 and subsequent years. The law authorizes the Joint Standing Committee on Natural Resources to report out legislation on invasive aquatic plants and nuisance species to the Second Regular Session of the 120th Legislature.

LD 1813

An Act to Amend the Clean Car Incentives Pilot Program

PUBLIC 367

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	
	OTP-AM MIN	

LD 1813 is the majority report of the Joint Standing Committee on Natural Resources. It amends the Clean Car Incentives Pilot Program to allow money in the Clean Fuel Vehicle Fund to be used to pay automobile scrappers up to \$350 for each high-pollution vehicle scrapped under the program. The term "automobile scrapper" is to be defined in rules adopted by the Board of Environmental Protection and may include, but it not limited to, an automobile graveyard, an automobile recycling business or a junkyard, as those terms are defined in the Maine Revised Statutes, Title 30-A, section 3752. The bill also directs the Board of Environmental Protection to adopt emergency routine technical rules to define automobile scrappers and to establish the process for making payments to automobile scrappers.

Committee Amendment "A" (S-251) is the minority report of the Joint Standing Committee on Natural Resources. This amendment repeals the Clean Car Incentive Pilot Program enacted by the 119th Legislature as Public Laws of 1999, chapter 684.

Enacted law summary

Public Law 2001, chapter 367 amends the Clean Car Incentives Pilot Program to allow money in the Clean Fuel Vehicle Fund to be used to pay automobile scrappers up to \$350 for each high-pollution vehicle scrapped under the program. The term "automobile scrapper" is to be defined in rules adopted by the Board of Environmental Protection and may include, but it not limited to, an automobile graveyard, an automobile recycling business or a junkyard, as those terms are defined in the Maine Revised Statutes, Title 30-A, section 3752.

Joint Standing Committee on Natural Resources

The law also directs the Board of Environmental Protection to adopt emergency routine technical rules to define automobile scrappers and to establish the process for making payments to automobile scrappers.

HP 878 **JOINT ORDER - Relative to the Task Force to Study the Costs and Design of a Household Hazardous Waste Disposal Program** **DIED ON ADJOURNMENT**

Sponsor(s)

Committee Report

Amendments Adopted

Joint Order, HP 878 proposed to establish the Task Force to Study the Costs and Design of a Household Hazardous Waste Disposal Program.

HP 1330 **JOINT STUDY ORDER – Joint Study Committee to Study Growth Management** **PASSED**

Sponsor(s)

Committee Report

Amendments Adopted

Joint Order, H.P. 1330 proposed to establish the Joint Study Committee to Study Growth Management. The joint order directed the 13-member committee to study issues related to sprawl and growth management in Maine.

Senate Amendment “A” to H.P. 1330 (S-371) proposed to reduce the cost of the joint order by: reducing the membership of the study committee from 13 to 9 members; restricting the number of meetings of the committee to no more than 3; and specifying a committee budget of \$3,635.

Enacted law summary

H.P. 1330 establishes the Joint Study Committee to Study Growth Management. The 9-member committee is directed to study issues related to sprawl and growth management in Maine and to report its findings and recommendations to the Second Regular Session of the 120th Legislature.

LD INDEX

LD 87	767	LD 1192.....	784
LD 131	767	LD 1199.....	784
LD 165	768	LD 1252.....	784
LD 179	768	LD 1278.....	785
LD 197	769	LD 1290.....	786
LD 230	770	LD 1293.....	786
LD 239	771	LD 1308.....	787
LD 290	771	LD 1331.....	788
LD 328	771	LD 1348.....	789
LD 346	772	LD 1354.....	789
LD 374	772	LD 1358.....	790
LD 376	772	LD 1398.....	790
LD 481	773	LD 1404.....	791
LD 504	774	LD 1408.....	791
LD 509	774	LD 1409.....	793
LD 516	775	LD 1429.....	793
LD 527	775	LD 1449.....	794
LD 560	776	LD 1454.....	795
LD 578	776	LD 1477.....	796
LD 584	777	LD 1478.....	798
LD 589	777	LD 1488.....	798
LD 612	778	LD 1543.....	798
LD 650	778	LD 1546.....	799
LD 671	778	LD 1559.....	799
LD 704	779	LD 1601.....	800
LD 787	779	LD 1643.....	800
LD 821	779	LD 1665.....	800
LD 824	780	LD 1666.....	801
LD 828	780	LD 1693.....	802
LD 857	780	LD 1700.....	804
LD 886	781	LD 1702.....	805
LD 907	782	LD 1724.....	805
LD 919	782	LD 1775.....	806
LD 1031	782	LD 1812.....	806
LD 1045	783	LD 1813.....	808
LD 1105	783	HP 878.....	809
LD 1155	783	HP 1330.....	809